

REMARKS

I. General

Claims 1-8, 11-25 and 27-35 are pending in the present application. The issue in the current Office Action is as follows:

- Claims 1-8, 11-25 and 27-35 are rejected under 35 U.S.C. § 102(e) as being anticipated by US 2003/0229809 (hereinafter *Wexler*).

Applicant thanks the Examiner for the courtesy and professionalism shown thus far. Applicant hereby traverses the above rejections and requests reconsideration and withdrawal in light of the remarks contained herein.

II. Claim Amendments

Claims 1, 8, and 28 are amended by this response. Support for the amendments to claims 1, 8, and 28 can be found, at least, at paragraph [0006] and FIGURE 1 (“no MAC address”) of the original disclosure. Thus, no matter is added.

III. Claim Rejection

A. Rejection under 35 U.S.C. § 102(e) (*Wexler*)

On pages 2-12, claims 1-8, 11-25 and 27-35 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Wexler*.¹ Applicant respectfully traverses the rejection.

Amended claim 1 recites, in part, “said security device not itself having a network address or a physical address.” *Wexler* does not teach this feature of claim 1 at least because it does not appear to teach a security device not having a physical address. The rejection of claim 1 asserts that *Wexler* teaches its proxy server does not have an IP address. However, an IP address is a network address, not a physical address. Furthermore, it appears that *Wexler* teaches that its proxy server includes a MAC address, which is one type of physical address—“[i]f the requested address is included in the cache, transparency module 46 responds by transmitting (154) an ARP response which includes the MAC address of the port

¹ The rejection states that claims 1-35 are rejected, but it is noted that claims 9, 10, and 26 have been canceled.
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of proxy server 22 through which the request was received.” See *Wexler* at [0105].
Accordingly, *Wexler* fails to teach the above-recited feature of claim 1.

Claim 8 recites, in part, “said security device is connected to said network without establishing a network address or a physical address for said security device.” Claims 1 and 8 have differing scopes. Nevertheless, it is believed that the above-recited feature of claim 8 is not taught by *Wexler* at least for the reasons expressed above with respect to claim 1.

Claim 17 recites, in part, “inserting a security device into said network while said network is operating.”² The rejection of claim 26 (now canceled) indicates that this feature is disclosed in paragraph [0009] of *Wexler*. See Final Action at 10. The cited section of *Wexler* discloses, in part, “[u]sing a transparent proxy server eliminates the need to configure the network elements with the identity of the proxy server.” However, the cited section of *Wexler* does not disclose inserting the security device into the network while the network is operating. In Response to Arguments, the Final Action appears to assert that one of ordinary skill in the art would understand from the above-recited portion of *Wexler* that the system of *Wexler* is capable of being inserted without temporarily deactivating the network. See *id.* at 12-13. Without admitting that the Final Action’s assertions are true, it is noted that the cited portion of *Wexler* does not actually teach inserting its proxy server into the network at any particular time. In order for an applied reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). The cited passage of *Wexler* does not provide the requisite level of detail to be anticipatory. Therefore, it is respectfully submitted that *Wexler* does not teach this feature of claim 17.

Claim 28 recites, in part, “said security device not including a physical address.” Claims 1 and 28 have differing scopes. Nevertheless, it is believed that the above-recited feature of claim 28 is not taught by *Wexler* at least for the reasons expressed above with respect to claim 1.

² Applicant requested that claims 17, 27, and 31 be amended in the response of September 21, 2007, but failed to underline the added text in the Amendments to the Claims section of that response. To avoid confusion, Applicant presents claims 17, 21, and 31 as “Previously Presented” with the amendments in the text but not underlined.

Claim 31 recites, in part, "inserting said security device while said data network is operating." Claims 31 and 17 have differing scopes. Nevertheless, it is believed that the above-recited feature of claim 31 is not taught by *Wexler* at least for the reasons expressed above with respect to claim 17.

Dependent claims 2-7, 11-16, 18-25, 27, 29, 30, and 32-35 each depend either directly or indirectly from respective independent claims 1, 8, 17, 28, and 31 and, thus, inherit all of the limitations of their respective independent claims. Thus, *Wexler* does not teach all claim limitations of claims 2-7, 11-16, 18-25, 27, 29, 30, and 32-35. It is respectfully submitted that dependent claims 2-7, 11-16, 18-25, 27, 29, 30, and 32-35 are allowable at least because of their dependence from their respective base claims for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 102 rejection of claims 1-8, 11-25 and 27-35.

IV. Conclusion

In view of the above, Applicant believes the pending application is in condition for allowance.

The fee of \$865 for a four month extension for response under 37 CFR 1.17(a)(4) and \$405 for a Request for Continued Examination for a small entity will be paid by credit card. Please charge any additional fees required or credit any overpayment to Deposit Account No. 06-2380, under Order No. 58895/P004US/10306553 during the pendency of this Application pursuant to 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

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Respectfully submitted,

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